

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

JAVIER HERNANDEZ, *et al.*

Plaintiffs,

v.

MARIA GARCIA BOTELLO, *et al.*

Defendants.

CLASS ACTION

**Case No. 02 Civ. 0523
(S)(Sr)**

**PLAINTIFFS' CONSOLIDATED APPENDIX
TO THEIR OPPOSITIONS TO DEFENDANTS' LOCAL RULE 56.1 STATEMENT**

Pursuant to Local Rule 56.1, Plaintiffs respectfully submit this consolidated Appendix to their Oppositions to the Local Rule 56.1 Statements of Defendants Anthony J. Piedimonte, Robert Vendetti, Root Brothers Farms, James Broadwell, Francis Domoy, James Kirby, Bruce Kirby, Rodney Winkstern, Del Mar Farms, Inc., David Piedmonte, Stephen Howard, Jr., Howard Produce Sales, Inc., Philip Vigneri, Patsy Vignieri & Sons, Inc., and John J. Kasmer Farm, LLC.

The exhibits attached to this Appendix are referenced in either Plaintiffs' Oppositions to Defendants Rule 56.1 Statements, Plaintiffs' Memorandum of Law in Support of their Opposition to Defendants' Motions for Summary Judgment and Reply in Support of Plaintiffs' Motion for Class Certification or the Declaration of Angela R. Vicari.

<u>Exhibit</u>	<u>Document</u>
1	Second Amended Complaint
2	RICO Case Statement
3	Plea Agreement of Maria Garcia Botello
4	Plea Agreement of Elias Botello

5	Plea Agreement of Jose J. Garcia
6	Grower Defendants' Responses to Plaintiffs' First Request for the Production of Documents to All Defendants, dated July 1, 2005
7	Grower Defendants' Responses to Plaintiffs' First Set of Interrogatories to Grower Defendants (Underberg & Kessler Defendants ¹)
8	Grower Defendants' Responses to Plaintiffs' Second Request for the Production of Documents (Underberg & Kessler Defendants)
9	Grower Defendants' Responses to Plaintiffs' First Set of Interrogatories to Grower Defendants (Siff & Lake Defendants ²)
10	Grower Defendants' Responses to Plaintiffs' First RFP to Grower Defendants (Siff & Lake Defendants)
11	Defendant John J. Kasmer Farm, LLC's Response To Plaintiffs' First Set of Interrogatories
12	Defendant John J. Kasmer Farm, LLC's Response to Plaintiffs' First Request For Production
13	Response by Jose J. Garcia to Plaintiffs' First Requests for Production to Contractor Defendants, dated April 2, 2007
14	Excerpts from the Deposition Testimony of Maria Garcia Botello
15	Excerpts from the Deposition Testimony of Jose J. Garcia
16	Excerpts from the Deposition Testimony of Elias Botello
17	Excerpts from the March 6, 2002 Grand Jury Testimony of Joseph O'Connor
18	Excerpts from the September 28, 2004 Grand Jury Testimony of Kevin Ryan
19	Excerpts from the March 6, 2002 Grand Jury Testimony of Joan Torres
20	Excerpts from the February 27, 2002 Grand Jury Testimony of Javier Hernandez
21	Excerpts from the February 27, 2002 Grand Jury Testimony of Miguel Perez

¹ The Underberg and Kessler Defendants are Anthony Piedimonte, Robert Vendetti, Root Brothers Farms, and James Broadwell.

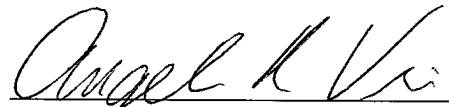
² The Siff & Lake Defendants are Bruce Kirby, David Piedmonte, Rodney Winkstern, Del Mar Farm, Inc., Francis Domory, Stephen Howard, Howard Produce Sales, Inc., James Kirby, Philip Vigneri, Patsy Vigneri & Sons, Inc., and Ronald Weiler d/b/a Ronclar Famrs.

22	Daily Attendance Sheet listing “Check Name” and “Work Name”
23	Maria Garcia Botello’s Payroll Records from Anthony J. Piedimonte
24	November 9, 2004 Email from Timothy Hoover
25	Maria Garcia Botello’s Payroll Records from Howard Produce Sales, Inc.
26	April 30, 1999 Statement of Stephen Howard, Jr. to the U.S. Department of Labor
27	Document Titled “Social Security Numbers That Do Not Match Our Records” with the name Shirley at the bottom
28	Department of Homeland Security Interview with Diane Kemp
29	Anthony J. Piedmonte Farming Missing and Invalid Social Security and Tax Identification Numbers
30	Stephen Howard Payroll Records
31	Jim Broadwell Timesheet
32	Bruce Kirby Timesheets
33	Roots Brothers Farms Timesheet
34	List of Companies Participating in the Buy Local Buy Pride of New York Marketplace at the 2007 New York State Fair
35	Kasmer Comprehensive Business Report
36	Orleans County Property Records
37	April 20, 2007 Facsimile from Angela R. Vicari to Monte B. Lake
38	April 20, 2007 Facsimile from Angela R. Vicari to Richard Dollinger and John Lavin
39	April 25, 2007 Letter from Monte B. Lake to Angela R. Vicari
40	May 3, 2007 Facsimile from Angela R. Vicari to Richard Dollinger
41	May 3, 2007 Letter from Daniel Werner to Peter J. Smith
42	May 7, 2007 Facsimile from Richard Dollinger to Magistrate Judge Schroeder
43	May 15, 2007 Facsimile from Angela R. Vicari to All Defense Counsel
44	May 17, 2007 Letter from Peter J. Smith to Daniel Werner
45	June 5, 2007 Facsimile from Angela R. Vicari to All Defense Counsel

46	Bruce Kirby Check Copies
47	October 11, 2000 Recommendation of Richard C. Chenu, WH Investigator
48	November 20, 2001 Employee Contact List for Howard Produce Sales, Inc.

Dated: New York, New York
January 11, 2008

Respectfully submitted,



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